

Carmen Contreras-Martinez (admitted *pro hac vice*)
SAUL EWING LLP
701 Brickell Avenue, Suite 1700
Miami, FL 33131
(305) 428-4500
carmen.contreras-martinez@saul.com

-and-

Turner N. Falk (admitted *pro hac vice*)
SAUL EWING LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2186
(215) 972-8415
turner.falk@saul.com

Counsel to Funderz.Net, LLC

Michael W. Bishop
Texas Bar No. 02354860
Amber M. Carson
Texas Bar No. 24075610
GRAY REED
1601 Elm Street, Suite 4600
Dallas, Texas 75201
(214) 954-4135
mbishop@grayreed.com
acarson@grayreed.com

Counsel to Funderz.Net, LLC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

DENNIS JAMES ROGERS II,

Debtor.

(Chapter 7)

Case No. 22-30500-SWE

AREYA HOLDER AURZADA, CHAPTER
7 TRUSTEE FOR THE BANKRUPTCY
ESTATE OF DENNIS JAMES ROGERS II

Plaintiff,

v.

FUNDERZ.NET, LLC

Defendant.

Adv. Pro. No. 24-03028-SWE

DEFENDANTS' MOTION TO DISMISS

IF YOU OBJECT TO THE RELIEF REQUESTED, YOU MUST RESPOND IN WRITING. UNLESS OTHERWISE DIRECTED BY THE COURT, YOU MUST FILE YOUR RESPONSE ELECTRONICALLY AT [HTTPS://ECF.TXNB.USCOURTS.GOV/](https://ecf.txnb.uscourts.gov/) NO MORE THAN TWENTY-FOUR (24) DAYS AFTER THE DATE THIS MOTION WAS FILED. IF YOU DO NOT HAVE ELECTRONIC FILING PRIVILEGES, YOU MUST FILE A WRITTEN OBJECTION THAT IS ACTUALLY RECEIVED BY THE CLERK AND FILED ON THE DOCKET NO MORE THAN TWENTY-FOUR (24) DAYS AFTER THE DATE THIS MOTION WAS FILED. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

Defendant Funderz.Net, LLC, pursuant to Rule 12(b)(6), Fed. R. Civ. P. applicable in this proceeding pursuant to Fed. R. Bankr. P. 7012, moves this Court for an Order, substantially in the form attached hereto as **Exhibit A**, dismissing the amended complaint filed by Areya Holder Aurzada, Chapter 7 Trustee for the Bankruptcy Estate of Dennis James Rogers II.

The grounds and authorities for this motion are set forth in the accompanying memorandum of law.

Dated: August 5, 2024

SAUL EWING LLP

/s/ Micheal W. Bishop

Carmen Contreras-Martinez (admitted *pro hac vice*)
701 Brickell Avenue, Suite 1700
Miami, FL 33131
(305) 428-4500
carmen.contreras-martinez@saul.com

-and-

Turner N. Falk (admitted *pro hac vice*)
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2186
(215) 972-8415
turner.falk@saul.com

-and-

GRAY REED

Micheal W. Bishop (TX Bar No. 02354860)
Amber M. Carson (TX Bar No. 24075610)
1601 Elm Street, Suite 4600
Dallas, Texas 75201
(214) 954-4135
mbishop@grayreed.com
acarson@grayreed.com

Counsel to Funderz.Net, LLC

CERTIFICATE OF SERVICE

I certify that on August 5, 2024, I caused a copy of the foregoing document to be served via electronic mail to the counsel listed below and via the Electronic Case Filing System for the United States Bankruptcy Court for the Northern District of Texas.

David B. Miller
SCHNEIDER MILLER REYNOLDS, P.C.
300 N. Coit Road, Suite 1125
Richardson, Texas 75080
david@schneidlaw.com

-and-

T. Micah Dortch
Dortch Lindstrom Livingston Law Group
2613 Dallas Parkway, Suite 220
Plano, TX 75093
micah@dll-law.com

Special Counsel for the Trustee Areya Holder Aurzada

/s/ Micheal W. Bishop
Micheal W. Bishop

Exhibit A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

DENNIS JAMES ROGERS II,

Debtor.

(Chapter 7)

Case No. 22-30500-SWE

AREYA HOLDER AURZADA, CHAPTER
7 TRUSTEE FOR THE BANKRUPTCY
ESTATE OF DENNIS JAMES ROGERS II

Adv. Pro. No. 24-03028-SWE

Plaintiff,

v.

FUNDERZ.NET, LLC

Defendant.

ORDER GRANTING MOTION TO DISMISS

This matter having been opened to the Court by way of the motion of defendant Funderz.net, LLC, for an Order dismissing the Amended Complaint (the “Motion to Dismiss”)

pursuant to Fed. R. Civ. P. 12(b)(6), applicable pursuant to Fed. R. Bankr. P. 7012, and the Court having considered the submissions of the parties, and having heard the argument of counsel, and for other good cause shown, it is

ORDERED that the Motion to Dismiss is hereby **GRANTED**; and it is

FURTHER ORDERED that, except as otherwise set forth below, Counts A, C, and E are dismissed without prejudice; and it is

FURTHER ORDERED that Counts B, D, F, and G are dismissed with prejudice; and it is

FURTHER ORDERED that Counts A through D are dismissed with prejudice as to any transfers made by any person other than the Debtor.

END OF ORDER

Submitted by:

Carmen Contreras-Martinez (admitted *pro hac vice*)
SAUL EWING LLP
701 Brickell Avenue, Suite 1700
Miami, FL 33131
(305) 428-4500
carmen.contreras-martinez@saul.com

-and-

Turner N. Falk (admitted *pro hac vice*)
SAUL EWING LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2186
(215) 972-8415
turner.falk@saul.com

Counsel to Funderz.Net, LLC

Michael W. Bishop
Texas Bar No. 02354860
Amber M. Carson
Texas Bar No. 24075610
GRAY REED
1601 Elm Street, Suite 4600
Dallas, Texas 75201
(214) 954-4135
mbishop@grayreed.com
acarson@grayreed.com

Counsel to Funderz.Net, LLC